

REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 USC §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 3-7 and 121, and amended claims 1 and 120 are in this application.

At paragraph 5 of the outstanding Final Office Action of May 6, 2003, the Examiner rejected claims 1, 3-7, 120 and 121 under 35 U.S.C. 102(e) as being anticipated by Kurihara (6,069,956). Applicants respectfully traverse the rejection.

Amended independent claim 1, recites in part, "A data multiplexing device which multiplexes a plurality of data elements...comprising...scramble key generation means for generating a plurality of scramble keys, one corresponding to each of said plurality of **corresponding, and substantially simultaneously output** data elements..." (Underlining and bold added for emphasis.)

It is respectfully submitted that the above-recited feature of amended independent claim 1 is not taught by the references. The Examiner has stated that "Element 21 of figure 2 anticipates the first part of the first clause of claim 1...[and] Lines 63-64 of column 7 anticipate periodic scramble key updates...[and] Lines 19-26 of column 16 anticipate scramble means." The Examiner also stated "With respect to claim 120, lines 28-29 of column 10 show an

enciphered scramble key.” However, applicants submit that while Kurihara may show the information of the time-division frame and the scramble keys being updated, Kurihara does not teach that all of the corresponding data elements that are output substantially simultaneously to form an output data program use different scramble keys that are each updated. Kurihara states scrambling the time-division frames for the application data by using a scramble key while writing the attribute identifying information of the scramble key in the time-division frames (column 9, lines 1-5). Further, the attribute identifying information of the scramble keys are changed in a sequence (column 10, lines 53-58). In other words, the scramble key is detected on the basis of a version number indicating a sequence in which the scramble key is changed for updating (column 2, lines 45-53), which is a serial use of consecutive keys. In contrast, amended independent claim 1 teaches the scrambling of multiple keys that are used at the same time, each to scramble a portion of a program corresponding to one of several data elements being output substantially simultaneously to form the program. Indeed, the reference fails to disclose that differently scrambled data elements are being output substantially simultaneously to form a program.

Therefore, withdrawal of the rejection to amended independent claim 1 under 35 U.S.C. §102(e) is respectfully requested. For reasons similar to those described above with regard to amended independent claim 1, withdrawal of the rejection to amended independent claim 120 is respectfully requested.

Claims 3-7, and 121 are dependent from one of amended independent claims 1 and 120, and, due to such dependency are also distinguishable for the same reasons as the amended independent claims. Therefore, withdrawal of the rejection to claims 3-7 and 121 is respectfully requested.

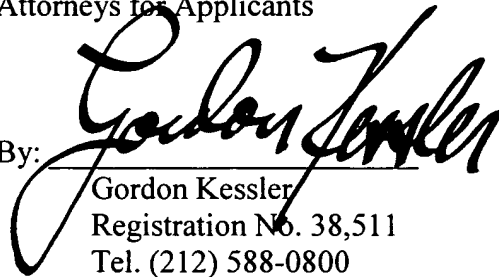
Applicants respectfully request that the rejection of claims 1, 3-7, 120 and 121 under 35 U.S.C. §102(e) be withdrawn.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicants undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 
Gordon Kessler
Registration No. 38,511
Tel. (212) 588-0800